



## Interoffice Memorandum

DATE: September 24, 2018

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Community, Environmental and Development  
Services Department

CONTACT PERSON: Eric Raasch, Interim DRC Chairman  
Development Review Committee  
Planning Division  
(407) 836-5523

SUBJECT: October 30, 2018 – Public Hearing  
Applicant: Mark Marsh, Orlando Health Central, Inc.  
Orlando Health Central Porter Road Medical Campus Planned  
Development  
Case # CDR-18-04-104 / District 1

The Orlando Health Central Porter Road Medical Campus Planned Development (PD) is generally located on the south side of Porter Road, east of the Western Beltway (S.R. 429) and Avalon Road (C.R. 545). The existing PD development program allows for 364 age-restricted senior dwelling units and 636,854 square feet of non-residential uses.

Through this PD substantial change, the applicant is seeking to modify locations, dimensions, and copy area of various signage on the Master Sign Plan (MSP). Additionally, the following two waivers are being requested:

1. A waiver from Orange County Code Section 31.5-76 is requested to allow directional signs to have a maximum height of ten feet and a copy area of 26 feet; in lieu of the maximum height of six feet and a maximum copy area of six feet; and
2. A waiver from Orange County Code Section 31.5-15(a)(2) is requested to allow 1,397 square feet of wall signage in lieu of 400 square feet.

On August 8, 2018, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

**ACTION REQUESTED:**    **Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Orlando Health Central Porter Road Medical Campus Planned Development / Land Use Plan (PD/LUP) dated “Received August 15, 2018”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

Attachments  
JVW/EPR/stt

**CASE # CDR-18-04-104**

Commission District: # 1

**GENERAL INFORMATION**

<b>APPLICANT</b>	Mark Marsh, Orlando Health Central, Inc.
<b>OWNER</b>	Orlando Health Central, Inc.
<b>PROJECT NAME</b>	Orlando Health Central Porter Road Medical Campus Planned Development (PD)
<b>PARCEL ID NUMBER</b>	29-23-27-5855-01-000
<b>TRACT SIZE</b>	73.59 gross acres (overall PD)
<b>LOCATION</b>	16855 Porter Road; generally located on the south side of Porter Road, east of the Western Beltway (S.R. 429) and Avalon Road (C.R. 545)
<b>REQUEST</b>	<p>A Change Determination Request (CDR) to modify locations, dimensions, and copy area of various signage on the Master Sign Plan (MSP). Additionally, the following two waivers are being requested:</p>

1. A waiver from Orange County Code Section 31.5-76 is requested to allow directional signs to have a maximum height of ten feet and a copy area of 26 feet; in lieu of the maximum height of six feet and a maximum copy area of six feet.

***Applicant Justification:*** These signs are the primary directional signs for the entire campus. They serve as a beacon to direct vehicular traffic. The Emergency and Ambulance directional guidance is located on these signs. Due to the setback from the right of way and the orientation of the signs, it is necessary to have larger signs to allow the information to be conveyed to the driver before the decision making point is reached. These signs are generally utilized in high stress situations where a few moments of confusion over direction can have life and death consequences.

2. A waiver from Orange County Code Section 31.5-15(a)(2) is requested to allow 1,397 square feet of wall signage in lieu of 400 square feet.

***Applicant Justification:*** All three wings of the hospital are now designed to be connected. This limits the amount of square footage allowed by code as it is considered one building, despite functioning as separate buildings.

**PUBLIC NOTIFICATION** A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred nineteen (219) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this application.

## **IMPACT ANALYSIS**

### **Special Information**

The Orlando Health Central Porter Road Medical Campus Planned Development (PD) was originally approved on February 10, 2015, contains 73.59 gross acres, and is generally located on the east side of Avalon Road, south of Porter Road. The overall PD has existing development entitlements for 364 residential units and 636,854 square feet of non-residential uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to modify the locations, dimensions and copy area of various signage on the Master Sign Plan, as well as requesting two waivers related to the height and copy area of directional signs. The applicant is also proposing to increase the permitted copy area of wall signage.

### **Land Use Compatibility**

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

### **Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V), as well as the Town Center Special Planning Area (SPA) land use designation of Corporate Center Mixed Use (CCMU). The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

### **Rural Settlement**

The subject property is not located within a Rural Settlement.

### **Joint Planning Area (JPA)**

The subject property is not located within a JPA.

### **Environmental**

Orange County Conservation Area Determination CAD-16-09-091 was completed for this project on October 14, 2016. No conservation area was claimed on this site. The project area was cleared and is under construction.

**Transportation / Concurrency**

A Road Network Agreement for Town Center East was approved by the Board of County Commissioners on December 6, 2011 and recorded at OR Book/Page 10306/1364. The Developer has obtained vested trips for the completion of construction for Hamlin Groves Trail and New Independence Parkway to four lanes. Right-of-Way for the road network has been dedicated to the County.

First Amendment to Town Center East Road Network Agreement ("First Amendment") between Orange County and SLF IV/Boyd Horizon West JV, LLC ("Developer") and Orlando Health Central, Inc. ("Orlando Health") was approved by the Board of County Commissioners on July 10, 2012 and recorded at ORBK 10411/ 0542 for the conveyance of Right-of-Way for the road network in Town Center. The First Amendment contemplates that the Orlando Health parcel will be included in the terms of the original agreement. Under the terms of the First Amendment, Orlando Health shall receive \$22,500 per acre in Road Impact Fee Credits for the dedication of 2.11 acre parcel for Hamlin Trail Right-of-Way for a total of \$47,450.00 in road impact fee credits. An additional 2.22 acre area of Right-of-Way for Porter Road will be donated to Orange County by Orlando Health at no cost to the County. Developer has assigned 650 Vested Trips to Orlando Health. Orlando Health has the option to complete the Phase 4 improvements. The First Amendment also acknowledges that Developer has acquired the Gleason Parcel which is now included in the definition of the Property.

The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to plat approval.

**Community Meeting Summary**

A community meeting was not required for this request.

**Schools**

Orange County Public Schools (OCPS) reviewed the request and determined that it will not impact public school capacity.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any issues or concerns.

**Specific Project Expenditure Report and Relationship Disclosure Forms**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division

**ACTION REQUESTED**

**Development Review Committee (DRC) Recommendation – (August 8, 2018)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Orlando Health Central Porter Road Medical Campus Planned Development / Land Use Plan (PD/LUP), dated "August 15, 2018", subject to the following conditions:**

1. Development shall conform to the Orlando Health Central Porter Road Medical Campus PD Land Use Plan (LUP) dated "Received August 15, 2018," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received August 15, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not

issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A waiver from Orange County Code Section 31.5-15(a)(2) is granted to allow 1,397 square feet of wall signage copy area in lieu of 400 square feet of copy area.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 7, 2017 shall apply:
  - a. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At or prior to the time of construction plan submittal, the applicant shall coordinate with OCU to obtain information on the mounding produced by the RIBS, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
  - b. Billboards and pole signs shall be prohibited, except as approved by the Master Sign Plan.
  - c. A waiver from Section 31.5-67(b) is granted to allow the maximum height of a ground sign to be twenty (20) feet with copy area not to exceed fifteen (15) feet; in lieu of a maximum height of twelve (12) feet.
  - d. A waiver from Section 31.5-76(b) and (c) is granted to allow directional signs to have a maximum height of ~~eight (8)~~ ten (10) feet and a maximum copy area of twenty-six (26) square feet; in lieu of a maximum height of six (6) feet and a maximum copy area of six (6) square feet.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 10, 2015, shall apply:
  - a. To demonstrate concurrency entitlements have been met for this project the developer must provide an Assignment of Vested Trips document concurrent with or

prior to Development Plan submittal. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

- b. No activity will be permitted on the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through FDEP and such approval has been provided to the Environmental Protection Division of Orange County. An owner / operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
- c. The applicant / owner has an affirmative obligation to expressly notify potential purchasers and / or tenants, through the appropriate mechanism, including a conspicuous note on the plat, of the proximity of this development to the West Orange & 545 Solid Waste Disposal Facilities that are located 0.2 miles to the southwest.
- d. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- e. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- f. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village Master Utilities Plan (MUP).
- h. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized for Village requirements. Property owners may elect to use alternative financing in lieu of the private proportionate cost share agreement, provided master utilities sized for Village requirements are constructed.
- i. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

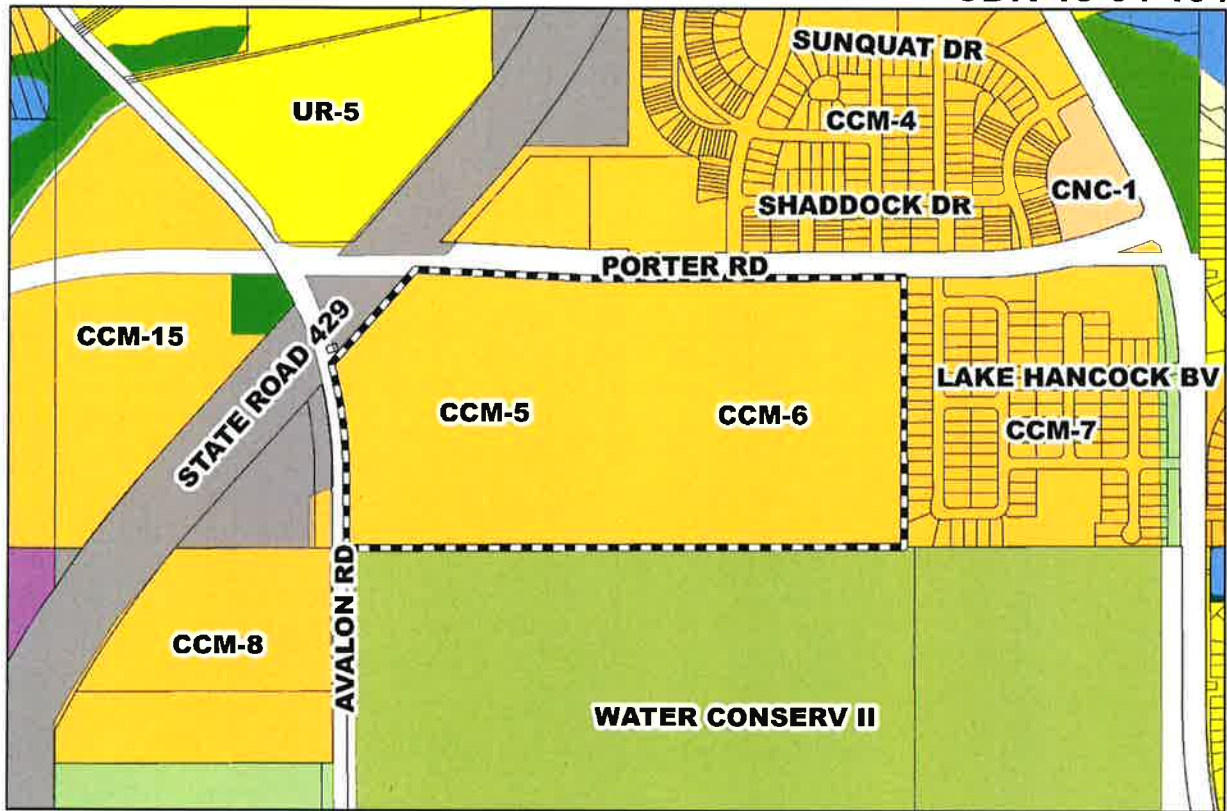


- j. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- k. Applicant shall comply with the road agreement for the conveyance of the Right-of-Way on C.R. 545 (Avalon Road) for Parcel CCM-5.
- l. The 636,800 square feet of non-residential shall be for medical-related uses only, and may include ancillary office, personal service and retail uses.
- m. Because the project includes senior adult housing, prior to Development Plan (DP) approval, the developer shall submit to the DRC, for its review and approval, conditions, covenants and/or restrictions (CC&Rs) that restrict occupancy to senior adults and that comply with the requirements of the Housing for Older Persons Act [42 USC S3607(b). ] Such CC&Rs shall be recorded in the public records of Orange County, Florida and shall run with the land. The CC&Rs shall include language that at least one owner/resident shall be at least 55 years of age and in no case shall there be any residents aged 18 years or under. No permanent residency by school-aged children shall be generated as a result of any development within a subsequent DP. Any proposed future conversion of the senior adult housing to unrestricted housing or any proposal to add permanent residency by school-aged children shall constitute a substantial change that must be approved by the BCC at a public hearing. If the substantial change is approved, school impact fees in effect at that time shall be paid and the project shall comply with any school capacity and school concurrency regulations in effect at that time.

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (March 7, 2017)**

Upon a motion by Commissioner VanderLey, seconded by Commissioner Nelson, and carried by all members present, the Board made a finding of consistency with the Comprehensive Plan; and approved the substantial change request, including the two sign waivers, subject to the conditions of approval listed under the DRC recommendation in the Staff Report.

CDR-18-04-104



 Subject Property



 Subject Property

### Future Land Use Map

**FLUM:** Village (V), Horizon West Town Center, Corporate Center Mixed Use (CCM-5 & 6)

**APPLICANT:** Mark Marsh, Orlando Health Central, Inc.

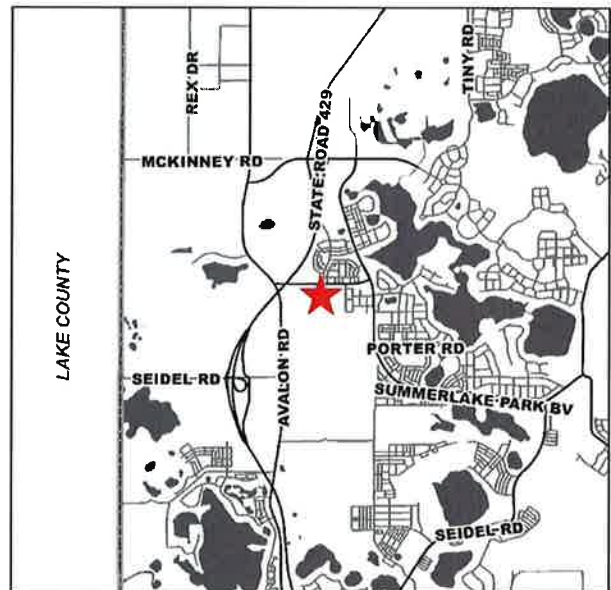
**LOCATION:** 16855 Porter Road; generally located on the south side of Porter Road, east of the Western Beltway (SR 429) and Avalon Road (CR 545)

**TRACT SIZE:** 73.59 gross acres (overall PD)

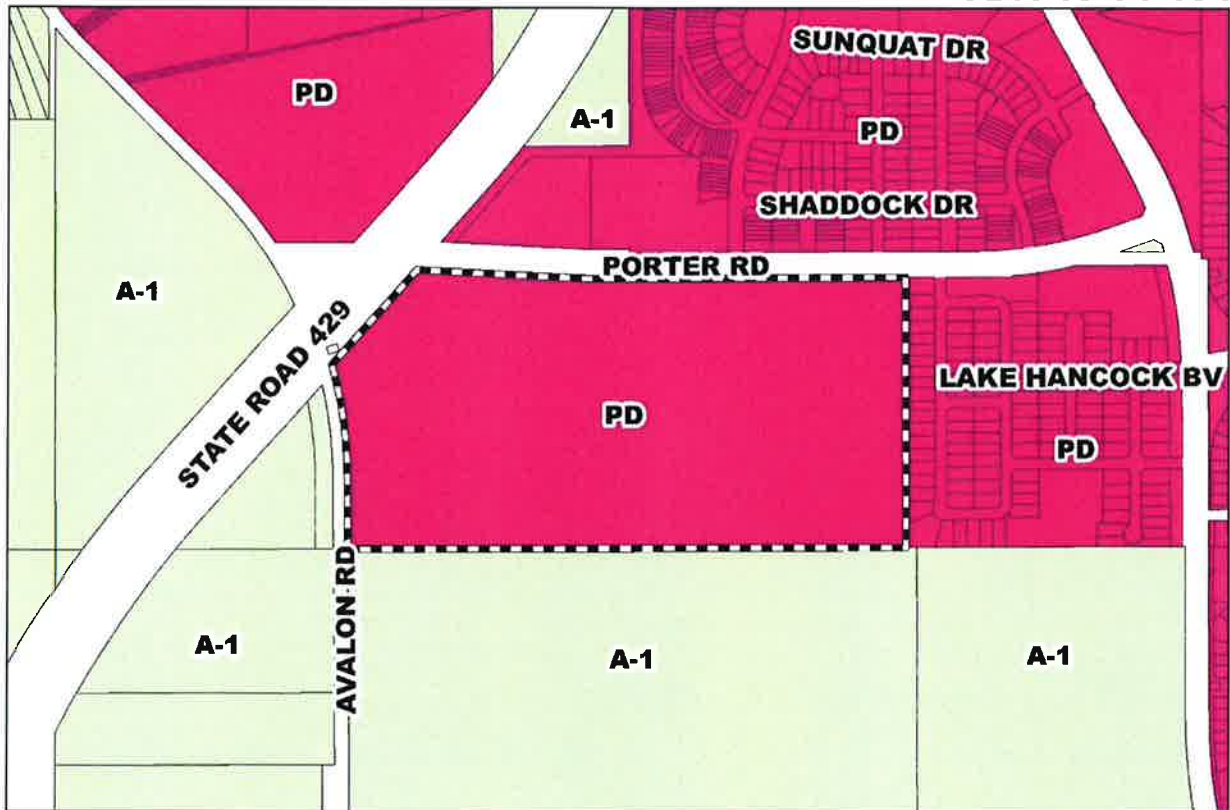
**DISTRICT:** # 1

**S/T/R:** 29/23/27

1 inch = 725 feet



CDR-18-04-104



Subject Property



Subject Property

### Zoning Map

**ZONING:** PD (Planned Development District)

**APPLICANT:** Mark Marsh, Orlando Health Central, Inc.

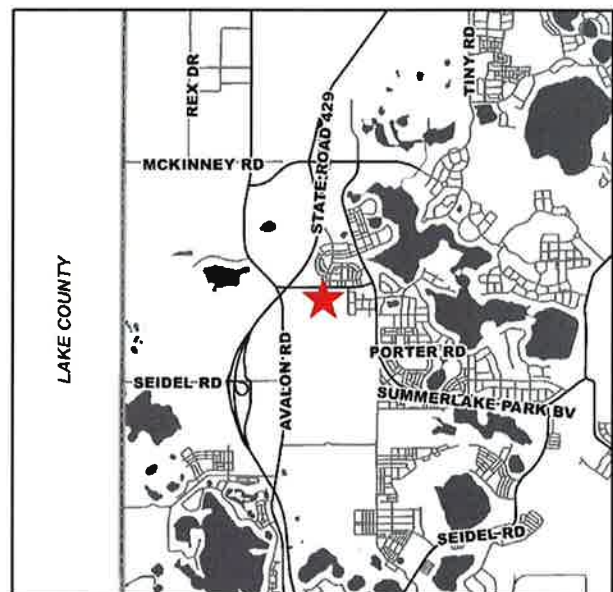
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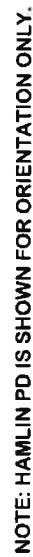
**S/T/R:** 29/23/27

1 inch = 725 feet











## Orlando Health Central Porter Road\_CDR-18-04-104

500 FT BUFFER, 219 NOTICES

**MAP LEGEND**

- SUBJECT
- 500 FT BUFFER
- 1 MILE BUFFER
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS

**Feet**

0 1,300 2,600

1 inch = 1,142 feet

**SUBJECT SITE**

**STATE ROAD 429**

**AVALON RD**

**PORTER RD**

**Lake Inghram**

**Lake Hancock**

**17015**

**17263**

**17511**

**17122**

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